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THE LAW OFFICE OF WILLIAM M. DOMINGO  
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ATTORNEY AT LAW

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Attorney for Defendant  
SAMUEL M. KAAUWAI, III

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

**MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

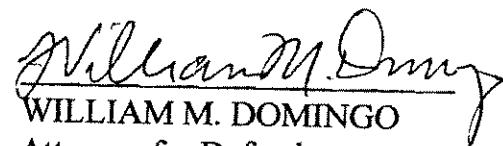
COMES NOW the defendant, SAMUEL M. KAAUWAI, III, through counsel, WILLIAM M. DOMINGO, and moves this Honorable Court to allow him to withdraw as counsel and for the appointment of another CJA panel counsel for

EXHIBIT "B"

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the reason that there is a conflict of the attorney-client relationship, as set forth in the attached Declaration of Counsel.

DATED: Honolulu, Hawaii, August 9, 2005.

  
WILLIAM M. DOMINGO  
Attorney for Defendant  
SAMUEL M. KAAUWAI, III

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA, ) CR. NO. 03-00248DAE  
Plaintiff, )  
vs. ) DECLARATION OF COUNSEL  
SAMUEL M. KAAUWAI, III, )  
Defendant. )  
\_\_\_\_\_  
)

**DECLARATION OF COUNSEL**

I, WILLIAM M. DOMINGO, hereby declare as follows:

1. That I am counsel for defendant, SAMUEL M. KAAUWAI, III, having been appointed pursuant to the Criminal Justice Act.
2. On August 8, 2005, declarant was contacted by defendant who instructed me to file a motion to withdraw as counsel.
3. Defendant was unsatisfied with declarant's representation and gave notice of his intention to withdraw his guilty plea and go to trial.
4. It is my belief that Mr. Kaauwai does not trust my abilities or my judgment in this case and will allege my particular failings in his subsequent

motion to withdraw his plea.

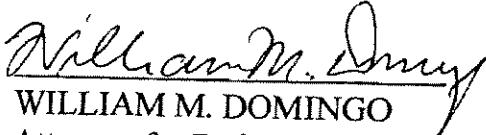
5. Based upon the reason set forth above, it is not possible for me to continue to provide meaningful representation to SAMUEL M. KAAUWAI, III.

6. It would be in the interest of justice that this Court appoint new counsel for Defendant.

7. That the facts and statements set forth in the foregoing document are true and correct to the best of my knowledge and belief.

I DECLARE UNDER PENALTY OF PERJURY THAT THE  
FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY  
KNOWLEDGE AND BELIEF.

DATED: Honolulu, Hawaii, August 9, 2005.

  
WILLIAM M. DOMINGO  
Attorney for Defendant  
SAMUEL M. KAAUWAI, III

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**CERTIFICATE OF SERVICE**

I, WILLIAM M. DOMINGO, hereby certify that a true and exact copy of the foregoing document was duly mailed and/or hand-delivered to the following on August 9, 2005:

MARSHALL SILVERBERG  
Assistant United States Attorney  
PJKK Federal Building  
300 Ala Moana Boulevard, Room 6100  
Honolulu, Hawaii 96813

Attorney for Plaintiff  
UNITED STATES OF AMERICA

DATED: Honolulu, Hawaii, August 9, 2005.

*William M. Domingo*  
WILLIAM M. DOMINGO  
Attorney for Defendant  
SAMUEL M. KAAUWAI, III